

**IN THE UNITED STATES DISTRICT COURT, CENTRAL DIVISION
DISTRICT OF UTAH**

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| UNITED STATES OF AMERICA, Plaintiff, vs. ARTURO MAGANA CHAVEZ, Defendant. | MEMORANDUM DECISION AND ORDER GRANTING MOTION TO CONTINUE TRIAL AND EXCLUDING TIME Case No. 2:11-CR-00384 TS |
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Based on the Motion to Continue the Jury Trial filed by defendant, Arturo Magana Chavez, in the above-entitled case, and good cause appearing, the court makes the following findings:

1. Counsel for the defendant is waiting for DNA on the firearm, and the official RAP sheet in order to properly assess criminal history.
2. Defendant, Arturo Magana Chavez, while currently detained, agrees with the need for a continuance of the trial.
3. Assistant United States Attorney Mark Vincent has been contacted by defense counsel and does not object to the Continuance.
4. Counsel for the defendant has been diligent in seeking the information, but cannot adequately prepare for trial until the DNA test results and criminal history are received and analyzed.

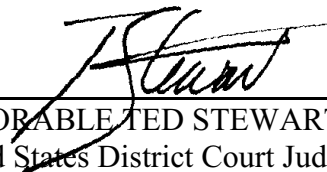
5. To deny the requested continuance under these circumstances would deny counsel for the defendant the adequate time required to prepare for trial taking into account the exercise of due diligence.

Based on the foregoing findings, it is hereby:

ORDERED

The Jury Trial previously scheduled to begin on July 11, 2011, is hereby continued to the 11th day of October, 2011, at 8:30 a.m. Pursuant to 18 U.S.C. § 3161(h), the Court finds that the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial. Accordingly, the time between the date of this order and the new trial date set forth above is excluded from speedy trial computation for good cause.

Dated this 6th day of July, 2011.


HONORABLE TED STEWART
United States District Court Judge